

REMARKS

In the Office Action, claims 1-25 were rejected. By the present Response, claims 10 and 14 are amended. Upon entry of the amendments, claims 1-25 will remain pending in the present patent application. In view of the attached Affidavit and remarks made below, Applicants submit that claims 1-25 are patentable over the cited art. Reconsideration and allowance of all pending claims are requested.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 10-16 under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the Examiner regarded the recitation of “code adapted to acquire a plurality of projection images” in claim 10 as indefinite and concluded that “illustrative claim 10, as written is ambiguous, since it is unclear whether the code should be regarded only as a means for gathering information and performing reconstructions (i.e., claim 10) or the code represents a means for operating an apparatus to carry out functions, gather received information and to perform reconstructions (i.e., dependent claim 14). While the Applicants do not necessarily agree with the Examiner’s analysis, claims 10 and 14 have been amended to clarify those aspects which the Examiner believes ambiguous. As amended claim 10, and those claims depending therefrom, are believed to be allowable. Reconsideration and allowance are, therefore, respectfully requested.

Rejections Under 35 U.S.C. § 102

The Examiner rejected claims 1, 4-9 and 17-25 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,707,878 (the “Claus reference”). Applicants note that the Claus reference names as its inventors Bernhard Erich Hermann Claus and Jeffrey Wayne Eberhard, also inventors named on the present application. As attested to in the attached Affidavit, however, Bernhard Erich Hermann Claus and Jeffrey Wayne Eberhard are the inventors of any subject matter described in the Claus reference that is also subject

to any claim in the present application. Accordingly, the Claus reference is not available as prior art under §102(a).

In view of the unavailability of the Claus reference as prior art, Applicants submit that the present anticipation rejection cannot be supported against the pending claims. Applicants therefore request reconsideration and allowance of claims 1, 4-9 and 17-25.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 2, 3 and 10-16 under 35 U.S.C. § 103(a) as being obvious in view of the “Claus reference”. As noted above, the Claus reference is unavailable as prior art under 35 U.S.C. § 102(a) and is not believed to be available under any other provision of 35 U.S.C. § 102. Therefore, the Claus reference is unavailable under 35 U.S.C. § 103(a) as well. *See* M.P.E.P. § 2141.01.

In view of the unavailability of the Claus reference as prior art, Applicants submit that the present obviousness rejection cannot be supported against the pending claims. Applicants therefore request reconsideration and allowance of claims 2, 3 and 10-16.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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